

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ENZON, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C. A. No. 04-1285-GMS
	)	
PHOENIX PHARMACOLOGICS, INC.,	)	
	)	
Defendant.	)	
	)	
	)	
	)	
	)	

DEFENDANT PHOENIX PHARMACOLOGICS, INC.'S  
NOTICE OF DEPOSITION OF PLAINTIFF ENZON, INC.  
PURSUANT TO FED.R.CIV.P. 30(b)(6)

PLEASE TAKE NOTICE THAT, pursuant to FED. R. CIV. P. 30(b)(6), defendant Phoenix Pharmacologics, Inc. ("Phoenix") shall take the deposition upon oral examination of plaintiff Enzon, Inc. ("Enzon"), at the offices of Woodcock Washburn LLP, 46<sup>th</sup> Floor, One Liberty Place, Philadelphia, Pennsylvania 19103, or at some other mutually agreed location, beginning at 9:00 am on June 29, 2005, and continuing from day to day until completed. The deponent(s) testimony will be recorded by videotape and stenographic means, including real time transcription. You are invited to attend and cross-examine.

Pursuant to FED. R. CIV. P. 30(b)(6), Enzon is directed to designate one or more officers, directors, managing agents or other persons who consent to testify upon its

behalf and who have knowledge of and are adequately prepared to testify concerning the following topics:

### DEFINITIONS

Unless otherwise indicated, the definitions contained in Phoenix's First Set of Document Requests to Enzon and Phoenix's First Set of Interrogatories to Enzon are incorporated herein by reference.

### TOPICS

1. Conception and reduction to practice of the subject matter claimed in each claim of the 738 Patent, including but not limited to the date on which it was conceived, who conceived of it, who corroborated that conception, the date on which it was reduced to practice, who reduced it to practice, how it was reduced to practice, and who corroborated the reduction to practice.

2. Any involvement by Mike A. Clark, while he was employed by and/or under a duty of assignment to Enzon, related to arginine deiminase covalently bonded to a polyalkylene glycol, through a linking group or otherwise, including but not limited to what he did, when he did it, the identity of those with whom he communicated, the date on which he communicated with them, and the substance of what was communicated.

3. The date upon which, and the circumstances under which, Enzon first became aware of the 738 Patent, and the identity of the persons who became aware of it.

4. The date upon which, and the circumstances under which, Enzon first became aware of the publication Ensor, *et al.*, *Cancer Research*, **2002**, 62, 5443 (*see, e.g.*, E007054-007061), and the identity of the persons who became aware of it.

5. Preparation of the manuscripts entitled “Inhibition of Tumor Cell Growth by Arginine Deiminase” and “Inhibition of Melanoma Growth by Arginine Deiminase” (*see, e.g.*, E006523-006605) and all prior and subsequent drafts thereof, including the identity of authors of the manuscripts, the identity of persons who contributed subject matter appearing in the manuscripts, the authors’ reasons for preparing the manuscripts, Enzon’s reasons for preparing the manuscripts and/or instructing or permitting the authors to prepare the manuscripts, the authors’ reasons for limiting the manuscripts to the subject matter appearing therein, and Enzon’s reasons for limiting the manuscripts to the subject matter appearing therein and/or instructing or permitting the authors to limit the manuscripts to the subject matter appearing therein.

6. Preparation of U.S. Patent Application Serial No. 792,283 (issued as U.S. Patent No. 5,804,183), including any prior drafts of the patent application, any research records and/or invention disclosure documents directed to the subject matter disclosed in the patent application, the identity of authors of the patent application, the identity of persons who contributed subject matter appearing in the patent application, the authors’ reasons for preparing the patent application, Enzon’s reasons for preparing the patent application and/or instructing or permitting the authors to prepare the patent application, the authors’ reasons for limiting the patent application to the subject matter appearing therein, and Enzon’s reasons for limiting the patent application to the subject matter appearing therein and/or instructing or permitting the authors to limit the patent application to the subject matter appearing therein.

7. Enzon’s decision to develop Modified Arginine Deiminase, when Enzon decided to develop Modified Arginine Deiminase, the progress of Enzon’s development

efforts since that time, and Enzon's decisions since that time regarding efforts and resources to be devoted to the development of Modified Arginine Deiminase, including but not limited to Enzon's decisions to file and/or not file patent applications directed to Modified Arginine Deiminase.

8. Oral and written communications between and/or among Enzon and Dr. Lloyd Old related to arginine deiminase covalently bonded to a polyalkylene glycol, through a linking group or otherwise.

THE BARYARD FIRM

June 14, 2005

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**CERTIFICATE OF SERVICE**

The undersigned counsel certifies that, on June 14, 2005, he electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send automatic notification of the filing to the following:

Josy W. Ingersoll, Esquire  
John W. Shaw, Esquire  
Young Conaway Stargatt & Taylor, LLP  
1000 West Street, 17<sup>th</sup> Floor  
Wilmington, DE 19801

The undersigned counsel further certifies that copies of the foregoing document were sent by email and U.S. mail to the following non-registered participants:

Charles Weiss, Esquire  
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New York, NY 10004

/s/ Richard D. Kirk (#0922)

Richard D. Kirk (rk0922)